

DIVISION OF MINED LAND RECLAMATION		PROCEDURE NO.	3.3.06
PROCEDURES MANUAL		ISSUE DATE	April 17, 2006
SUBJECT	Coal Exploration	Section	Reclamation Services
		Last Revised	8/18/00

OBJECTIVE AND INTENT:

To ensure the proper permitting, inspection, and monitoring of coal exploration operations.

GENERAL:

Applicability:

If coal exploration is proposed for an area that is designated as unsuitable for mining (see 4 VAC 25-130-761.11 and 45.1-252D of the **Code of Virginia**) and the applicant does not have valid existing rights, the DMLR must ensure that the applicant submits:

- for the limited areas (see 4 VAC 25-130-761.11(b-e)), consent from the appropriate agencies having jurisdiction over the area and/or a written waiver. The consent letter and/or waiver must be included in the coal exploration notice or permit application.
- for the prohibited areas (see 4 VAC 25-130-761.11(a-h)), a coal exploration permit application. (Note: If the permittee does not have the required waivers set forth in 4 VAC 25-130-761.11(e), a coal exploration permit must be obtained.)

A **coal exploration notice** is required for an operation which plans to remove 250 tons or less of coal and will disturb the land's surface.

A **coal exploration permit** must be obtained for an operation intending to remove more than 250 tons of coal or planning to conduct operations in areas designated as unsuitable for mining (see 4 VAC 25-130-761.11).

The applicant must submit the coal exploration notice (**DMLR-PT-051**) or permit application (**DMLR-PT-062**), whichever is applicable, to the Field Inspector. The Inspector shall review the material in a timely manner per this procedure. Exploration operations may not commence until the applicant has met the notice or permitting requirements of Part 4 VAC 25-130-772.

PROCEDURES :

Preliminary Field Review of an Exploration Notice or Permit Application:

The Inspector should meet with the applicant at the proposed exploration site to review the exploration notice or permit application materials. Digital photographs should be taken by the Inspector to document the proposed site's existing features.

The Inspector shall review two copies (one original and one copy) of the exploration notice. If a permit must be obtained, an electronic permit application must be submitted and reviewed by the inspector. The Inspector shall retain a copy of the material for his or her files.

Coal Exploration Notice - The applicant must submit a completed **Coal Exploration Notice**

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form (**DMLR-PT-051**) and information required by 4 VAC 25-130-772.11(b) to the Inspector.

If the proposed exploration operation will relocate or close a public road or affect the area within 100 feet of a public road, the exploration notice/permit package must include the public notice per 4 VAC 25-130-761.11(d)(2)(i) and a letter of consent from the appropriate public road authority.

If the notice is determined to be complete, the Inspector shall contact the Reclamation Services Office Services Specialist and request that an exploration number be assigned to the notice. (Exploration notice numbers shall be assigned in chronological order.)

If a public notice (4 VAC 25-130-761.11(d)(2)(i)) is required, the Inspector shall review the applicant's proposed notice to ensure it is acceptable. Once the Inspector approves the public notice, he or she shall assign it a publication number, and instruct the applicant to publish it once in a newspaper of general circulation in the locality of the proposed exploration area.

One week after the date of the publication (provided no hearing requests have been made), the Inspector shall officially issue the exploration notice number and inform the applicant that exploration operations may begin.

Coal Exploration Permit - The field review of a **coal exploration permit** application (**DMLR-PT-062** and supporting information) and proposed exploration site shall be handled in the same manner as a Chapter 19 mining permit application (see Procedure #2.2.01).

The Inspector shall ensure the electronic exploration permit application contains the information required by 4 VAC 25-130-772.12(b).

Once the Inspector determines that the coal exploration permit application is complete, he or she shall assign a publication number and instruct the applicant, in writing, to publish the notice as required by 4 VAC 25-130-772.12(c).

Application Requirements - Submittal to DMLR office:

The Inspector shall instruct the applicant to submit the original coal exploration notice or permit application package to the Division's Big Stone Gap office.

The Reclamation Services Office Services Specialist shall file the original **coal exploration notice** copy in the Office file.

Coal Exploration Permit - The permit term, bond, and necessary permit conditions shall be set by the Reclamation Program Manager-Permitting after the application is reviewed and approved per 4 VAC 25-130-772.12(d) of the regulations.

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Inspections:

Exploration Notices: The exploration site shall be inspected completely at least once per calendar quarter to ensure compliance with the measures specified in the notice and any applicable performance standards of Part 4 VAC 25-130-815. Additional inspections may be conducted as necessary.

The Inspector shall:

- document the inspection findings on the "Inspection Report" form (**DMLR-ENF-044S**).
- forward a copy of each inspection report to the exploration operator.
- if a violation of Part 4 VAC 25-130-772 or 4 VAC 25-130-815 is observed, issue the appropriate enforcement action per Part 4 VAC 25-130-843.
- conduct an inspection of the site within 30 days after the notice expires, unless the exploration notice's file was closed on a previous inspection.

The Inspector must document whether exploration activity has been completed, and whether adequate vegetation has been established on the site to stabilize the soil and protect against erosion. Should the exploration operator fail to reclaim the area to the required standards, the Inspector shall take appropriate enforcement action.

Once the Inspector determines that the exploration site is suitable for release, he or she shall insert "FI" (Final Inspection) in the type of inspection field and "NI" (Not Inspectable) in the operation status field of DMLR-ENF-044S.

Exploration permits: For each active exploration permit, the Inspector shall perform a complete inspection and two partial inspections each calendar quarter. An inactive exploration permit site shall be inspected completely once each calendar quarter, with additional inspections conducted as necessary.

The Inspector shall:

- document the inspection findings on the "Inspection Report" form (**DMLR-ENF-044S**).
- forward a copy of each inspection report to the coal exploration permit operator.
- if a violation of Part 4 VAC 25-130-772 or 4 VAC 25-130-815 is observed, issue the appropriate enforcement action per Part 4 VAC 25-130-843.

Once the exploration permit is satisfactorily reclaimed per the approved detailed plans (with adequate vegetation to prevent erosion and stabilize the soil), the permit shall be released by the Inspector.

- The release shall be documented in the inspection report.
- The report shall be labeled **FI** (Final Inspection) **and NI** (Not Inspectable).
- The Inspector shall attach a memo or note to the final report instructing the Reclamation Services Office Services Specialist to forward a copy of the report to the Reclamation Program Manager-Permitting.

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Illegal Exploration:

If coal exploration starts prior to the applicant submitting a coal exploration notice or permit application to the DMLR, the Inspector shall initiate appropriate enforcement action per Part 4 VAC 25-130-843.

Exploration Extensions:

Exploration notice: If the operator plans to request an extension of the exploration notice's term, the operator's written request for an extension should be submitted to the Inspector prior to the notice's expiration date.

Exploration permits: Exploration permits cannot be extended beyond the permit term set by the Division. The Inspector shall take proper enforcement action to immediately halt any coal exploration activity conducted on the expired exploration permit (see Illegal Exploration above).